

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

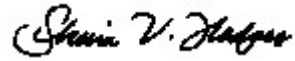
| | | |
|-------------------------|---|----------------------------|
| Jason Robert Barner, |) | C/A No.: 1:11-1534-RMG-SVH |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| Kenny Atkinson, Warden, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| _____ |) | |

Petitioner, proceeding pro se, brought this action pursuant to 28 U.S.C. § 2241. Respondent filed a motion for summary judgment on November 3, 2011. [Entry #20]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on November 3, 2011, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #21]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, it is ordered that Petitioner shall advise the court as to whether he wishes to continue with this case and to file a response to Respondent's motion for summary judgment by January 3, 2012. Petitioner is further advised that if he fails to respond, this

action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

December 14, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge